



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: L. Washington & Associates, Inc.

File: B-255162

Date: October 19, 1993

DIGEST

Protest alleging that the Small Business Administration (SBA) improperly determined that the protester, a bidder for a competitive section 8(a) procurement, was not competent to perform will not be considered since SBA has broad discretion under the 8(a) program and there has been no showing of a regulatory violation or possible fraud or bad faith.

DECISION

L. Washington & Associates, Inc. protests the award of contract under the section 8(a) program by the Department of the Navy under competitive solicitation No. N62472-93-B-1979.

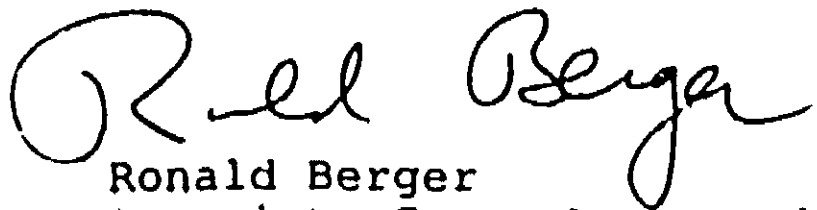
We dismiss the protest because our Office generally has no jurisdiction to review the Small Business Administration's (SBA) stewardship of the section 8(a) small disadvantaged business contracting program.

Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1988), authorizes the SBA to enter into contracts with government agencies and to arrange for the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. Because of the broad discretion afforded the SBA and the contracting agencies under the applicable statute and regulations, our review of actions under the section 8(a) program generally is limited to determining whether government officials have violated regulations or engaged in fraud or bad faith. See 4 C.F.R. § 21.3(m)(4); Lecher Constr. Co.--Request for Recon., B-237964.2, Jan. 29, 1990, 90-1 CPD ¶ 127.

Here, the SBA determined that the protester was not competent to perform the contract; it subsequently determined that the awardee was competent to perform the contract. The protester, a lower bidder than the awardee, asserts that its situation is the same as the awardee's and that it is just as competent to perform.

We will not review the matter. It is within SBA's authority and discretion to determine the competency of section 8(a) firms to perform contracts. See 13 C.F.R. § 124.313 (1993). Accordingly, since there has been no showing of a regulatory violation or possible fraud or bad faith, there is no basis for us to consider this protest.

The protest is dismissed.


Ronald Berger
Associate General Counsel.